

**IN THE CLAIMS:**

Please cancel claims 29, 36, and 42-45 without prejudice or disclaimer.

Please amend claims 30, 31, 37, 38 and 41 as follows:

v.1 2/3

- C<sup>2</sup>
30. (Amended) A crystalline adduct of mirtazapine and water containing up to about three weight percent water.
31. (Amended) The adduct of mirtazapine and water of claim 30 prepared by precipitation from a solvent comprising water and either an alcohol or acetone.
- C<sup>3</sup>
37. (Amended) A crystallized adduct of mirtazapine and water prepared by:
- i) crystallizing mirtazapine from a solution comprising water;
  - ii) recovering crystallized mirtazapine; and
  - iii) drying the crystallized mirtazapine until the crystallized mirtazapine contains up to about 3 percent water.
38. (Amended) The adduct of mirtazapine and water of claim 37 wherein the solution also comprises an alcohol.
- C<sup>4</sup>
41. (Amended) The adduct of mirtazapine and water of claim 40 wherein the solution comprises a ratio of ethanol:water ranging from about 1:1 to about 1:4.

Please add new claims 46-53 as follows:

- C<sup>5</sup>
46. (New) A process for preparing crystallized mirtazapine comprising the steps of:
- i) dissolving mirtazapine in an organic solvent, thereby forming a solution;
  - ii) adding water to the solution;
  - iii) precipitating mirtazapine; and
  - iv) drying the precipitated mirtazapine under conditions sufficient to produce crystallized mirtazapine having up to about 3% by weight water.
47. (New) The process of claim 46, wherein the organic solvent is selected from the group consisting of methanol, ethanol, and isopropyl alcohol.
48. (New) The process of claim 46, wherein the drying conditions comprise elevated temperature and reduced pressure.